

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
EASTERN DIVISION**

**IN RE: LION AIR FLIGHT JT
610 CRASH**

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) **Lead Case No. 18 CV 7686**
) **Honorable Thomas M. Durkin**
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[PROPOSED] ORDER APPOINTING TRUSTEE

On December 14, 2020, the Court entered a civil contempt against the law firm of GIRARDI KEESE (“GK”) and THOMAS GIRARDI, individually. The Court asked the parties to submit a proposed order as to the appointment of a Trustee [DKT 848] and freezing assets [DKT 849]. After finding THOMAS GIRARDI and GK in civil contempt of Court, the Court asked the parties for a proposed order appointing a trustee.

Per the Court’s order, we spoke with Jay Edelson and other attorneys at Edelson PC in an effort to reach an agreement as to the Proposed Order. Because we believe that Edelson PC’s proposed order goes well beyond the scope of what was ordered by this Court, we were unable to reach an agreement as to all matters of the Proposed Order. As such, we provide our Proposed Order below, which more accurately reflects the orders of the Court [DKTs 848, 849].

We do agree with Mr. Edelson’s recommendation that Judge James F. Holderman serve as trustee. However, we wish to advise the Court that we are uncertain whether GK can marshal the funds required to pay a trustee. Because we want to protect Judge Holderman from Court appointment without any hope of compensation, it may be in the parties’ best interest to appoint a California trustee.

IT IS HEREBY ORDERED THAT

1. A judgment of civil contempt is entered against GK and THOMAS GIRARDI.

2. All assets of GK and THOMAS GIRARDI (collectively, the “Girardi Assets”) are frozen until further order of this Court.
3. Judge James F. Holderman, of JAMS Mediation, Arbitration, ADR Services is appointed to serve as Court-ordered Trustee for GK and THOMAS GIRARDI.
4. The Trustee shall evaluate and determine the assets available to GK and THOMAS GIRARDI and determine the amounts available for the benefit of the plaintiffs.
5. The Trustee shall reasonably and promptly inform THOMAS GIRARDI of the maximum amount THOMAS GIRARDI may spend from the Girardi Assets on reasonable living expenses.
6. Any payment of attorneys representing GK and/or THOMAS GIRARDI, from the assets of GK and/or THOMAS GIRARDI, shall be made only with the approval of the Trustee.
7. This Order shall be effective immediately upon its entry.

IT IS SO ORDERED

Dated:

Thomas M. Durkin
United States District Judge